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**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

NORTHWEST ENVIRONMENTAL)	Case No. CV 01-510 HA
ADVOCATES,)	
)	
Plaintiff,)	
)	
v.)	PLAINTIFF’S AND DEFENDANTS’
)	STIPULATED COMPLIANCE
UNITED STATES ENVIRONMENTAL)	SCHEDULE
PROTECTION AGENCY and)	
NATIONAL MARINE FISHERIES)	
SERVICE,)	
)	
Defendants.)	
_____)	

Pursuant to this Court’s Opinion and Order disposing of the cross-motions for summary judgment filed in this case, and ordering Defendants to undertake certain administrative proceedings, entered March 31, 2003 (“Opinion and Order”), Plaintiff Northwest Environmental Advocates, and Defendants United States Environmental Protection Agency (“EPA”) and National Marine Fisheries Service (“NMFS”), have filed a jointly proposed schedule by which Defendants must comply with the Opinion and Order. This Stipulation addresses the schedule that the Court, in the Opinion and Order, directed the parties to submit; it does not address the scope of the relief, several aspects of which are addressed in the pending Motion to Clarify and the related memoranda.

THEREFORE, THE UNDERSIGNED PARTIES HEREBY STIPULATE:

1. The EPA Administrator shall sign proposed regulations on or before October 1,

2003, and final regulations on or before March 2, 2004, for the following:

- (a) water quality criteria for temperature for the lower Willamette River;
- (b) identification of the methods for implementing the antidegradation policy adopted by Oregon, pursuant to 40 C.F.R. § 131.12;
- (c) numeric water quality criteria for temperature for the protection of salmonid rearing and bull trout rearing and spawning, accompanied by specific time and place designations for Oregon's waters; and
- (d) a water quality criterion for intergravel dissolved oxygen for Oregon's waters for the protection of salmonid spawning.

EPA shall promptly submit the final regulations to the Office of the Federal Register for publication.

2. The parties do not agree on the effect, if any, that a future submission by the State of Oregon may have on this schedule, if such submission precedes an EPA promulgation addressed in this schedule. The parties have expressed their positions on that issue in their respective memoranda pertaining to EPA's pending Motion to Clarify.

3. EPA shall provide status reports to the Court and to the Plaintiff by September 1 and December 1, 2003.

4. The Northwest Regional Administrator of NMFS shall sign and transmit to EPA a final biological opinion on proposed actions submitted by EPA for consultation, pursuant to the court's Opinion and Order, within 53 days of receipt of a biological assessment evaluating the effects of the proposed actions on affected ESA-listed species.

5. Any dates set forth in this Stipulation may be modified either by written agreement of the parties and notice to the Court, or upon motion of any party, for good cause shown, and upon consideration of any response by the non-moving party.

- (a) If EPA moves for an extension of 60 days or less, and if EPA files such motion at least 60 days prior to the deadline in question, then EPA's request shall stay any affected deadline until either the court rules on the motion, or the extended deadline requested, whichever is earlier.
- (b) If EPA moves for an extension of 30 days or less, and if EPA files such motion at least 30 days prior to the deadline in question, then EPA's request shall stay any affected deadline until either the court rules on the motion, or the extended deadline requested, whichever is earlier.

6. Nothing in this Stipulation relieves EPA or NMFS of the obligation to act in a manner consistent with applicable Federal, State or local law, including the notice and comment and other provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-599, 701-706, and applicable appropriations and law. No provisions of this Stipulation shall be interpreted as or constitute a commitment or requirement that the United States is obligated to pay funds in contravention of the Anti-Deficiency Act, 31 U.S.C. § 1341, or any other provisions of law.

7. Except as expressly provided herein, nothing in this Stipulation shall be construed to limit or modify the discretion accorded EPA by the Clean Water Act, 33 U.S.C. §§ 1251-1387, or by general principles of administrative law, including EPA's discretion to revise, amend or promulgate regulations, or to alter, amend, or revise from time to time any actions EPA may perform pursuant to this Stipulation. This paragraph does not accord EPA the discretion to change any of its obligations under this Stipulation.

8. By this Stipulation Plaintiff does not waive any right to challenge EPA's final regulations pursuant to any applicable law.

DATED this ____ of May, 2003.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this ____ day of May, 2003, a true and correct copy of the foregoing Stipulated Compliance Schedule was served by depositing it in the United States mail, first class postage prepaid, addressed to the following:

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